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APPENDIX.

PROVING,

That our late *Invalidly-deprived*
Fathers had no *Right* to substitute
Successors, who might *Legitimate*
the *Separation*, after that
the *Schism* had been concluded by
the *Decease* of the last *Surviver*
of those same *Fathers*.

L O N D O N,

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THE CONTENTS

Successors *substituted by our late Invalidly-Deprived Fathers would not have sufficed to have justified the continuance of a Separate Communion since the Decease of the last Survivor of those same Fathers.* §. I.

Such Substitutes must necessarily fall short of the Title of their Predecessors in many Particulars, which now, since the Death of the last Survivor, make against the Substitutes, in favour of the Rival Possessors. §. II.

Even the Possession of the present Incumbents, gives them a better Title than any that can be derived from our Invalidly-deprived Fathers, since the Death of the last Survivor of those same Fathers now. And that, by the same Reasonings, which made against these same Possessors formerly. §. III.

It was reasonable for God to confine the Celestial ratification to the Communion of our late invalidly-deprived Bishops so long as the Injury lasted, in order to the obliging those, who were
A 2 guilty

The Contents.

guilty of the Injury, to make amends for it. But this reason ceases when the Injury ceased by the Death of the last Survivor, and the Injury is thereby made irreparable. §. IV.

Since the Demise of the last Survivor, there are now no Altars capable of being Injured by erecting other Altars in Opposition to them, but only those of the present Possessors, which cannot now be invaded without beginning a new Schism. §. V.

It is unreasonable, and against the Interests of Societies in general, that Divisions grounded on Personal Injuries should survive the Persons concerned in those Injuries. §. VI.

The Injury on which the present Schism is grounded does no way concern the Persons of any of our late Invalidly-deprived Bishops. Nor can therefore the continuance of the Separation be taken for a continuance of the same Schism. §. VII.

The new Schism, commenced since the Death of the last Survivor, is against the present Canonically-possessing Proprietors. §. VIII.

Our Invalidly-deprived Fathers could no more gain new Rights, than they could lose their Old Rights, by a Deprivation that was invalid. Yet, without acquiring new Rights, they could not justify their substituting of Successors after their own Death. §. IX.

On terms of Equality, Occupation gives a Right, which it is Unjust for any other only Equally intitled Person to invade. §. X.

Unri-

The Contents.

Unrivalled Possession of a Diocefane diftrict gives
fuch a Title of Occupation between Bifhops,
who are otherwife Equal by their Epifcopal Con-
fecration. §. XI.

The Colleague Bifhops, concerned in the Consecra-
tions, could not intend to give a Power to Bi-
fhops Consecrated by them to Act in diftricts
which were not their own. §. XII.

The laft Survivor of our late Invalidly-deprived
Fathers could not give a Succellor a Right equal
to his own. §. XIII.

If Epifcopacy had been extirpated, or the Poffef-
fing Bifhops had no truly Epifcopal Power given
them by Persons fufficiently Authorized to give it
them; Our Invalidly-deprived Fathers would
have had the whole Power of the Church of
England, not only for their own Lives, but with
a Right alfo of perpetuating the Power which
themselves had received. §. XIV.

Validly-consecrated Bifhops may fo fill Vacancies,
as that they cannot be invaded by any other Bi-
fhop without a new Acceffion of Power beyond
what is given to every particular Bifhop at his
Consecration. Which new Acceffion could not
be claimed by the laft Survivor. §. XV.

Recapitulation. §. XVI.

Pr

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An APPENDIX:

Proving, that even our late invalidly-deprived Fathers had no Right to substitute Successors, who might legitimate the Separation after that the Schism had been concluded by the Decease of the last Survivor of those same Fathers.

SINCE my finishing my *Discourse* Entitled, *The Case in View, now in Fact*. I have, upon further Thoughts, altered my Opinion in a

Matter of very considerable Consequence in relation to the present Schism; and I here think my self obliged to give my Reasons why I have done so. I there conceived that,

if our late *invalidly-deprived* Fathers had intended the Continuance of the Schism after their own Decease; they could, notwithstanding, not effect it otherwise, than by Consecrating Successors in some of the Sees that had been vacated by an Invalid Deprivation of the Rightful Possessor. This I then thought to be the only Case in which a Right might have been derived from them for continuing the Separation after the Death of the last Survivor of our late Fathers who were concerned in the late *Invalid Lay-deprivation*. I now question, whether even this would have suffi-

1. Successors substituted by our late *invalidly-deprived* Fathers would not have sufficed to have justified the Continuance of a separate Communion, since the Decease of the last Survivor of those same Fathers.

Appendix.

ced to justify the Continuance of a Separate Communion. This, though it be *not* really the Case, yet it will certainly *reach* that which is so. And it will reach it by a Reasoning stronger than any that had been particularly fitted to the Fact, whatever it be that can now be possibly pretended, short of this supposed Case. For if it was not in those Holy Fathers Power to perpetuate the Schism (as charged then, and that truly, on the Possessors who had not then a Possession so justifiable as it is now) by such a Substitution of even such Successors, (which notwithstanding was the uttermost that could be performed by them, in order to the continuance of the Schism since the Departure of the last Survivor of that venerable College, and therefore is the uttermost that can be pretended by them, who are unhappily pleased to continue the Breach of Communion in their Name, or by an Authority derived from them.) It must needs be much less satisfactory for our Brethrens purpose, to insist on any other pretence of Derivation of Power from those same Fathers short of this, which was the very uttermost that is possible to have been pretended in this Case. The Proof therefore of this must be decisive as to any Case that falls short of this Case; though it be not particularly adjusted to it, which I cannot pretend so accurately to know. And I take it for a good and happy Providence, that I was not privy to the Design of continuing the Separation. My Case in View sufficiently warned those who were
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Appendix.

3

concerned in it, how *unacceptable* it would be to me, *before* it proved to be *Matter of Fact*. This I warn purposely, that my *second-hand* Informations and *Guesses* may not be mistaken for *Evidences* against our *Friends*. Yet that will not hinder, but that the *Case*, as I have *now* stated it, will most certainly *reach* their *Cause*, which is all that I am desirous to deal with at present.

That therefore which inclined me to yield so far at the writing of the prece-

dent Discourse, *since* the *Fact*, was, that I thought *then*, that the *continuance* of a *Successor* in *any* of the *invalidly-deprived Sees* would have *invested* such a *Successor* with the same *Right* which had been *formerly* in his *Predecessors*. This if it had been

2. Such *Substitutes* must necessarily fall short of the *Title* of their *Predecessors* in many *Particulars*, which now, since the *Death* of the *last Survivor*, make against the *Substitutes*, in favour of the *Rival Possessors*.

true, would have given him a *Right superior* to that of his *Rival* then in *Possession* of the same *See*, and would consequently have made the *Rival* a *principal Schismatick*, and all who owned the *Rivals Communion Schismatical*, as involved in the *Contagion* of that *Schism* wherein the *Rival* was a *Principal*. But this *Reasoning* will not hold. It is certain that such a *Substitute* must want several things which were really pleadable by his *Catbolick invalidly-deprived Predecessor*; and which might give a *Title* to his *Predecessor*, though himself could derive non from him. The first *invalidly-deprived Bishop* was *consecrated* into an
empty

empty See by the *Authority* of his *Provincial College*. This is what the *substituted Successor* cannot pretend to, but his *Rival* may. The *Rival* is in *actual Possession* without any *Competitor*, from the *Time* of the *Decease* of him who had been *invalidly deprived*. He is in *that Possession* by the *same Right*, that his *invalidly deprived Predecessor* could plead against him before his *Decease*. He has *received* his *Authority* in the very *same Body* wherein his *undoubted Predecessor* received his. He has received it from the like *Episcopal Authority*, which wanted nothing requisite *before* for obtaining its full *Effect*, but the *Vacancy* of the *See*, by which want of a *Vacancy* the *See* was rendered *uncapable* of receiving a *Successor*. He has his *Possession ratified* by all that can be *necessary* to *ratify* it, by the severest *Canons*, the *Consent* of all that can pretend to any *Right* of a good *Election*, the *Chory*, the *People*, of all *Ranks*, and *Dignities*, and without any *Injury* that can be pretended to any *third Person*, that can be thought *capable* of any *Injury* by his *Possession*. And what could his *invalidly-deprived Predecessor* claim more than can be claimed by the *Possessor* since the *Expiration* of that *same invalidly-deprived Predecessor*? Having therefore from the *time* of his *Predecessors Death*, the very *same Rights* which made his own *Substitution* in the place of his *invalidly-deprived Predecessor Schismatical*; our *Friends* should consider how they can avoid the *Force* of the *same Reasonings*, in the *Case* of a *substitute*

Appendix.

5

to an *Altar* opposite to the *Altar* of the *present Rival*, who is now in *possession* by a *better*, as well as a more *ancient* Title than the *Substitute* can possibly pretend, who cannot pretend to a more *ancient* Title than the *Epocha* of his *invalidly-deprived* Predecessors Death, which left his *Rival* in *actual Possession* of the *District* claimed by such a *Predecessor*. His being a *Rival* to our *invalidly-deprived* Father, supposes his *Possession* *antienter* than *any Title* that *can* be derived no higher than that same *invalidly-deprived* Fathers *Death*. And his being, *since* that time, in the *same Possession* in which that same *deprived* Father was at the time of his *own* Substitution, in *opposition* to that same Father whose *Right* could not be *extinguished* by an *invalid* *Deprivation*, will give the *present Possessor* the same *Right* against all *future* *Substitutes* in *opposition* to himself, that the same *invalidly-deprived* Father had against him at the time of his *Entrance* into the same *District*, which was then in the *Canonical Possession* of the same *invalidly-deprived* Father. Was therefore the *Rivals* *Substitution* into the *District* of his *invalidly-deprived* living Predecessor *Schismatical*? And will not the like *Substitution* of a *Successor* into the *full See* of the *Rival* possessed by the same *Right*, which was in his *Predecessor* at the first *Entrance* of the *Rival*, be, for the same reason, *Schismatical* also?

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3. Even the *Possession* of the present Incumbents gives them a *better Title* than any that can be derived from our *invalidly-deprived* Fathers since the *Death* of the *last Survivor* of those same Fathers now. And that, by the *same Reasonings*, which made against these same Possessors formerly.

Our Friends cannot pretend but that a *Possession continued* without any *better Claim* in a *Rival*, is, at least, as good as that which is continued only on the account of the *Invalidity* of the *Deprivation* of a *Predecessor*, and the necessarily consequent *Invalidity* of the *Substitution* of a *Successor* into the same *See* which is here supposed not *validly vacant*. And did the *first Substitution* not only make the *Principal Substitute Schismatical*, but involve also all who any way owned the *Communion* of the *first Substitute* in the *contagion* of the *Schism*, which had its *Original* from that *first Substitution*? And how can our Friends avoid the like *Consequence* of a *Schism*, both *Principal* and *Derivative* in a Case so exactly the same, and in *opposition* to a *Possession* every way as *Canonical* as that was wherein they do indeed *allow* this *Consequence*? This *Reasoning* will indeed proceed for the *Right* of each *Possessor* from the time of the *Death* of the *better entitled Father*. So far, I mean, as the *Right* of that *particular better entitled Father* is concerned. There can thence forward be no excusable pretence for *continuing* the *Separation* on account of that *particular invalidly-deprived Father*. Yet the *Schism* might still remain whilst that otherwise *rightly possessed Rival* continued himself

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Appendix.

7

in the contagion of the Schism by communicating with *Collegues*; who are not so rightfully possessed as he was, by the like *Decease* of their better entitled Rivals. But when all the invalid Deprivations are ended by the *Death* of the last *Surviver* of those who had been injured by such invalid Deprivations; there cannot, from that time forwards, remain any just pretence for continuing the *Separation* which was Originally grounded on the *Personal Injuries* committed against them who had been wronged by the invalid Deprivations. From that time all *Altars* are equally *Rightful*, and all *Possessors* are *Just Possessors* by the same *Rules* which made the *Right* of our invalidly-deprived Fathers unquestionable on the *Commencement* of the late unhappy Schism. Then the same *Charge* of Schism will lie against any who are guilty of the like *Innovations* in erecting any new *Altars* in opposition to any of the *Altars*, which are all of them, from that time, rightfully possessed. Our invalidly-deprived Fathers could not possibly be excused, if it had been possible for them to have been guilty of any such *Innovation*, nor could any attempt of theirs have been valid with regard to *Conscience*, if they had endeavoured it. Much less can it be defended in any who continue the *Separation* under the umbrage of their venerable Names which even themselves had no *Right* to have continued, no, not tho' such pretences had been unquestionable.

Nor

Nor will it be difficult, to give a fair account of the *Reasonableness* of those

4. It was reasonable for God to confine the *Celestial ratification* to the *Communion* of our late *invalidly-deprived Bishops* so long as the *Injury* lasted, in order to the obliging those, who were guilty of the *Injury*, to make amends for it. But this reason ceases when the *Injury* ceased by the *Death* of the last *Surviver*, and the *Injury* is thereby made *irreparable*.

things *a priori*. Whilest the *Right* of having their *Acts ratified* in *Heaven* could not be taken from our late *Fathers* by an *invalid Deprivation*, so long the *Mystical Benefits* of *Communion* which follow that *ratification*, with regard to *Conscience*, must have been confined to the same *Communion*, and must therefore have obliged all *Conscientious* Per-

sons to adhere to *that Communion*, however discountenanced by the *State*. The *Secular Power* cannot pretend to any *Right* inherent in it self for disposing of such *Mystical Benefits*. Nor have the *Secular Powers* received any *Authority* from *God*, which may oblige him, who alone has the *Power* of disposing of them, to second their unreasonable *Decrees*. The *Judge of all the Earth* will most certainly favour the *Cause* that is most *righteous*, whatever *Men* may do. But in the *Case*, wherein we are concerned at present, the *Right* now lying in the *Possessors*, they only will be consequently intitled to the *Divine ratification*. This will destroy the *Title* of all later *Intruders* to a *Celestial ratification*, by whomsoever the *Intrusion* is made, till the better *Title* of the present *Possessors* be first vacated by an *Authority* sufficient

Appendix.

9

cient for that purpose. And that will again, by a just *Consequence*, oblige all *Ecclesiastical Subjects* rather to adhere to the *Communion* of the *present Possessors* wherein they may reasonably *hope* for a *Celestial ratification*, than to that of any *opposite Altars* wherein they cannot expect it. There was indeed *reason* to believe that God did second the *Acts* of our late *invalidly-deprived* Fathers, whilst even the *Personal Injury* was continued, which cannot be pleaded now. So long their *Right*, in *Conscience*, continued, which could not be affected by an *Authority* that was *incompetent*, and a *Deprivation* that was therefore *Invalid* from its first *Original*. So long it was *requisite*, if, for no other ends, yet, that God might thereby *oblige* the *Injurers* to do *justice*, and to put the *Injured Persons* in that *Possession* of which they never could deprive them, with regard to *Conscience*, so as to make it *safe* in *Conscience* for the *Subjects* to withdraw their *Duty*, from the *Rightful Proprietors*, and to pay it to them who had been *imposed* on the *Subjects* by the *Incompetent Authority*. And the *Interception* of *Celestial Correspondence*, whilst they continued in the *Communion* of the *Invalid Substitutes*, was indeed a very severe degree of *spiritual coercion* grounded on the *danger* of *losing spiritual Benefits*, to *oblige* them to do *Justice*, and to *return* to their *Duty* to those to whom God had made their *Subjection due*. But when the *Injury* ceases by the *Decease* of the *Persons* concerned in it, this *reason* of the *Celestial ratifica-*
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tion ceases, and returns on *them* who had adher'd to the *Injured Predecessors*, if, after their *Death*, they continue a *Communion opposite* to the more *Rightful Possessors*. From thence forward they are themselves guilty of the *Injury*, and can therefore expect no *Celestial ratification*, that can encourage any to joyn with them. None can then pretend to transact between *Heaven* and *Us*, but the *Possessors* who have now no *Rival*, that can pretend to make their *Title disputable*.

It is certain that the *demise* of the *last Survivor* of our *invalidly deprived Fathers* conveyed no *Title* to any particular *Person* to succeed him in the same *Right* that was vested in *him*, that is, which could be *antecedent* to that of the *actual Possessor*, and that might, on Account of its *Priority*, plead for its *Preference* before that of the *Possessor*. It is therefore certain that the *Possessors Title* must needs be *antecedent* to any *Title derivable* from the *Person* of the *last Survivor* of our *late Fathers*, and therefore *better* than any *Title* of that kind. It is withal certain, that from that time *forwards* there can therefore be no *Altars* capable of having *other Altars* erected in *Opposition* to them, but *only* those of the *actual Possessors*. There can therefore from *that time*, be no *Schism* but what is in *Opposition* to those *Possessors*. How then is it possible that
the

5. Since the *Demise* of the *last Survivor*, there are now no *Altars* capable of being *Injured* by erecting *other Altars* in *opposition* to them, but only those of the *present Possessors*, which cannot now be invaded without beginning a *new Schism*.

Appendix.

II

the *Separation* can be *continued* against those same *Possessors* without being it self *Schismatical*, as being the *erecting* a *new Altar* against those who *alone* are *capable* of having *Altars* erected in *Opposition* to them? Will they make it possible by an *Act* for that Purpose from the *Surviver* in his *Life* time, empowering others to *fill* up his own *Place* immediately after his *Death*? That had been a *Power* to ordain into *Sees* already *filled* by the *unrivalled Successors*; which was a *Power* greater than the *Surviver* himself had, greater than all his *invalidly deprived Collegues* had, though they had also *joyned* with him in the same *Commission*; and therefore greater than could be granted by them *altogether* by a *Commission* to be *executed* by *others* after their *Decease*. They had all been *Schismaticks*, if they had made any such *Consecrations* into full *Sees*, whilst themselves were *living*; and therefore could not validly *convey* that *Power* to others, which could not have been exercised by *themselves*, in their own *Persons*, without laying a *Foundation* for a new *Schism*. This therefore must be *Schismatical* in those who should pretend to *execute* such a *Commission* by a *Power* which they could neither *derive* from the *Commission*, nor have it in *themselves*. Will they therefore, to avoid this *Inconvenience* of *Consecrating* into full *Sees*, defer the *executing* such a *Commission* till the next *Vacancy*? But that Case is still as little *Practicable* as the other. By that time the *Schism* would have been compleatly ended,

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and our *invalidly-deprived* Fathers must have made *one Body* with those who had been their *Colleagues* formerly, and must have been *determined*, in Matters of this Nature by the *Majority* of the *Suffrages* of their more *numerous Brethren*. Then they could neither pitch on *Persons* without the Consent of others who can pretend to the same *Right*; nor make any new *Consecrations* without their *Synod* and *Metropolitans*, and would be themselves answerable for the Inconveniences and *Schisms* which might follow, if they should be guilty of any such *Attempt*. So far they would have been from a *Right* to *convey* such a Power to others by a *Commission* which was not to take place till a considerable *distance* after their own *Death*.

Yet, though such a *Right* could have been derived from the *Deceased* as might

6. It is *unreasonable*, and against the Interest of *Societies* in general, that *Divisions* grounded on *Personal Injuries*, should survive the *Persons* concerned in those *Injuries*.

have enabled *Persons*, now living, to *perpetuate* the *Schism*; it is, by no means, *fit* that *Persons* so empowered should use the *Power* given them, for so ill an *end* as that is, of *perpetuating* a *Schism*. A Lover of *Peace* ought to have a *Favour* for the things which *make for Peace*. Especially in such a *Cause* as this is, where the *end* cannot be attained without committing a *new Sin*. *Schism* cannot be *continued* without a *Continuation* of the *Injury* offered to the *Person* who has the *Title* which is disputed between the different *Competitors* for the same *Right*.

Appendix.

13

Right. This a good Man should not find in his Heart to be guilty of. He should not *delight* in having the *Injury remembred*. Much less, that the *Memory* of it should be *revived* when Men are disposed to *forget* it by the *Death* of the *Injured Person*. He would abhor the Thoughts of *reviving* the *Resentments* and *Animosities* concerned in the *Schism*, that was occasioned by the *Personal Injury*. Much more grievous must be the *Revival* of the *Schism* it self, which must be less justifiable, when it has no better *Plea* than the *Revival* of the old *Resentments* and *Animosities*. So far he would be from *contributing*, what lyes in him, to the *Revival* of those *Human Passions* (which occasion just Reflections on *Designs* otherwise very *commendable*) what *Zeal* soever is pretended in favour of them. But then especially when no other plausible Cause can be given, for *reviving* those *Quarrels* and *Divisions* besides those *Humane Passions*, which the Persons who are guilty of them will notwithstanding be ashamed to own as the true Causes of their own *Separation*. Yet what can they pretend *else* in the present Case, that can appear any way *plausible*? It is certainly the *Publick Interest* of *Societies* in general, that *Quarrels*, relating to *Personal Injuries*, should be extinguished with the *Lives* of those who suffer by those *Injuries*. If the *Memory* of such *Personal Injuries* be *perpetuated*, it will, in course, follow that the *Divisions* occasioned by them will be also *perpetuated*, which will plainly tend to the *Dissolution* of the *Societies* themselves in which

the *Frequency* of such *Injuries* is, in a long *Process* of *time*, unavoidable. This way therefore of ending *Divisions* being absolutely *necessary* for the *Preservation* of *Societies* in *general*, must therefore be an obliging *Duty*. *Publick Interest* can never fail of being so, though promoting *private Interest* is sinful, whenever such *Private Interest* interferes with that which is *Publick*. Nor can I see, in our present Case, what good *End* can be proposed in *continuing* the *Memory* of the *Injury* committed against our *Deceased Fathers*, by *continuing* still the *Division* occasioned by that *Injury*, they being now *incapable* of having *Justice* done them by a *Reparation* of the *Injury*, or by a *Restitution* of what was *taken* from them by the *Invalid Deprivation*. Whatever *Personal Rights* they had are *extinguished* by their *Death*, nor can they be now *asserted* by *continuing* the *Separation* on account of those who were *once* intitled to those *Rights*.

If our Friends will be pleased impartially to reflect on it, they will find that the *Injury* now concerned in the *present Separation* is not indeed the *same* with that which was offered to our *invalidly-deprived Fathers*, which formerly justified the *Separation* made on their account, whilst that *Injury* was *continued*, and whilst it was *capable* of being *repaired*. That

7. The *Injury* on which the *present Schism* is grounded, does no way concern the *Persons* of any of our late *invalidly-deprived Bishops*. Nor can therefore the *Continuance* of the *Separation* be taken for a *Continuation* of the *same Schism*.

That *Injury*, they very *well* know, is not now *continued*, but perfectly *extinguished* by the *Decease* of those who were concerned in it? What *Injury* therefore can they now complain of, that may any way relate to those same *Fathers*, that may any way seem to Patronize a *Separation* now on the same account of those same *Fathers*? Can they pretend, that by our said Holy *Fathers Decease*, any *Right* is *devolved* on any *Person* now *living*, who is still *injuriously* kept out of his *Right* by the same *Violence* by which our *Holy Fathers* themselves were *excluded* from their *own Rights* respectively? This, had it been *true*, might have made their *present Separation* look like a *Continuation* of the *old* one, as the *Injury* of *Successors* in *Rights* devolved from *Ancestors* may be reckoned for a *Continuance* of an *Injury* offered to the *Ancestors*, if the same *Rights* had been questioned in the *Ancestors* from whom those *Rights* had devolved. This *Plea* might indeed have had place in the *Case* of an *Hereditary Succession*; but can have none in a *Succession* that is *Elective*, such as that is of *Ecclesiastical Offices*. In such *Successions* none can pretend to an *Actual Right* till he be *chosen* by the *Consent* of those who have a *Canonical Right* to chuse him. Nor can he therefore reasonably complain of any *Injury* that is offered him, if he be not put in *Actual Possession* of his *Office* immediately after the *Demise* of his *Predecessor*. Nor can he plead any *Title* to *Actual Possession* till his *Actual Election*, in which his

Predecessor is no way concerned, nor therefore capable of being *Injured*, as he therefore cannot be in the *Possession* which must necessarily follow the Election. Let them therefore be pleased to consider how they can *excuse* their *Separation* on account of our late *invalidly-deprived* Fathers from being *Schismatical*, if they can pretend no *Injury* offered to them as a *reason* of their *Separation*. The most *distant* Instance of a *Power*, that could possibly be *derived* from our late *invalidly-deprived* Fathers, is that which might have been derived from them by a *Commission*, enabling the *Person* so *Commissionated* to *Act* with the *full Authority* of a *Bishop* from the *Death* of the last *Surviver* of those who had been *invalidly-deprived*. Yet this very *Person* could not *Lawfully* act then, because he could not then find any *vacant See* that might be capable of *receiving* him. Nor could he, even then, justly complain of being *Injured* by his being *kindred* from *executing* his *Commission* by the *Fullness* of the *Sees*. It is the very same *Plea* which our Friends themselves insisted on against our *present Possessors*, as many of them as would set up in *opposition* to our late *invalidly-deprived* Fathers. They also had an *Episcopal Power* given them by *Bishops* who had a *Right* to give *Episcopal Power*. Yet we all believed no *Injury* done them, when we opposed their *exercising* that *Power* in the *Districts* of our *invalidly-deprived* Fathers, because that very *Invalidity* of their *Deprivation* kept them, with regard to *Conscience*, in the same condition

Appendix.

17

dition as if such a *Deprivation* had never been. The same *Plea*, which made *against* them *then*, makes for them *now*; and proves as strongly, that *Bishops* empowered by a *Commission* by our late *invalidly-deprived* Fathers, which had *confined* them from the *Exercise* of the *Power* that was given them, till the *Death* of the *last Survivor* of those who had given it, had no *Injury* done them in being since *bindred* from *exercising* it at all, because they have *now* no *Vacancy* wherein they can *exercise* it; and their *exercising* it in *full Sees*, will expose them to the same Charge of *Schism* with which they charged their *present Competitors*, when their Case was the *same* that their *own* is *now*. Thus it appears that no *Title* of *Episcopal Power* derived from our late *invalidly-deprived* Fathers can be available *since* the *Death* of the *last Survivor* of those Fathers from whom it had been *derived*. And the *reason*, why it *ought* to be so, is very clear. A *Schism* that is grounded on an *Injury* cannot possibly last *longer* than the *Injury* on which it is grounded. Thence it plainly follows, that if a *Schism* be grounded on *Personal Injuries*, it must, in course, *expire* with the *Lives* on which it is grounded. That is particularly, with the *Life* of the *last Survivor*. This is exactly the Case of a *Bishop* as to the *Rights* which may *accrue* to him on account of *Injuries* committed against his *Person*. They must all *fall* together with his *Person*. And if he should take upon him to dispose of them *after* his *own Death*, that

would be to dispose of them, after they *cease* to be his *own*. It would be the same Case, as if a Tenent for *Life* should venture to dispose of his *Tenement* after his *Decease*, that is after himself could no longer *claim* a *Right* to it. This would have been *null* in it self. Nor could it be *expected* that any *Legal Judicatory* could *ratify* such a *Disposal*, whereby more would be disposed of than the *Disposer* could lay any *Legal Claim* to. Nor can he who *derives* from such a *Claim* pretend that he is *injured* if he be *denied* the Benefit of such a *Claim*.

The *Separation* may indeed *seem* the same with that which was *before* the

8. The new *Schism*, commenced since the *Death* of the last *Surviver*, is against the present *Canonically* possessing *Proprietors*.

Death of the last *Surviver*, because themselves have been *pleased* to *continue* it. At least its *Continuance* may give them occasion to *think* so. But

as to the *Question* we are now *disputing* of, the *Parts* of it are very *different*. There was indeed a *Schism* concerned in both *Parts* of it; but those of so *different* a *nature*, that they who were the *Catholicks* in the former *Schism* have here taken their *Turns* of being themselves the *Schismaticks* in the *later*. They might possibly think, that by *continuing* their *Separation*, they also *continued* the *Schism* in the same condition it was *before*, and upon the same *Terms* of Advantage to themselves wherein they were before, when we also joyned with them, and owned the *Justice* of their Cause.

Appendix.

19

Cause. Accordingly they took their *continuing* their *Separation* for *Stedfastness*, and our *Re-union* with our former *National Church* for *Uneasiness*. As if the *Case* were still the *same*, and we could give no better account for our *leaving* their *Communion* now than our *Uneasiness* under the *Sufferings* wherein we then shared with them, and are still as ready as ever to joyn with them in asserting the *Rights* and *Independency* of the *true Communion*. And, as if we had hereby failed in our *Stedfastness* to any *Cause*, which we then believed *good*. This is, because they do not consider how much their *Cause* is *changed*, though their *Separation* be the *same*? If their *Continuance* of the *Separation* had continued the *Schism* in the *same* condition wherein it was *before*; then I should indeed have acknowledged some Force in *his* Defence. But it is certain, that the *Continuance* of the *Separation* is not *alone* any *Argument* of the *same Schism* that was before. And we need no other *Criterion* for knowing whether the *Schism* be the *same* than this which may be drawn from the *Injury* on which the *Schism* was then *grounded*. That was notoriously on the *invalid Deprivation* of our late venerable Fathers. But as the *Right* those Holy Fathers had to their *Sees*, could not be for any *longer* Period than that of their own *Lives*, so neither could the *Injury*, which was done *them* by the *Deprivation*, survive that *same* Period. The *Continuance* therefore of the *Separation*, since the *Decease* of the *last Survivor* of those Holy Fathers, cannot pretend *now* to be any
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Assertion of their Lordships Rights against any Injury that might concern the *Persons* of their *Lordships*. That *Injury* therefore being ended, another *Cause* must be enquired for, that may be pleaded for *continuing* the *Separation* upon account of a new *Schism* since the *Expiration* of the old one. And this can concern none but the *present unrivalled Possessors*. They only now have Title to all the particular *Districts* and single *Altars* of which they are now possessed. Nor can therefore any be *Injured*, but they by erecting opposite *Altars* against their *Altars*, or by *exercising* any *Jurisdiction* without the *Leave* of the *Incumbents* in the *Districts* now Lawfully and Canonically possessed by them, as the only true *Proprietors*. Here the *Injury* of *separate Assemblies* in any of the possessed *Districts* must affect the *Bishops* of the *Publick Churches*. Thus such *Separatists* must be the *Authors* of the *Injury* concerned in the present *Schism*, and therefore properly *Schismatical*.

As to the Case of our late *invalidly-deprived* Fathers, and the *Schism* that was then contracted by erecting *Altars* opposite to *theirs*: It is certain, that as a *Deprivation invalid*, in it self could take no *Rights* from them, so neither could it add any *Rights* to them which were not theirs *before*; nor could it prejudice against

9. Our *invalidly-deprived* Fathers could no more gain *new Rights*, than they could lose their *old Rights*, by a *Deprivation* that was *invalid*. Yet without acquiring *new Rights*, they could not justify their *Substitution* of *Successors* after their own *Death*.

Appendix.

21

gainst the *Rights* of the *other Bishops* then engaged in the *Schism* when they should *cease* to be *Schismatics*, and they who were the *Injured Communion* before, on account of the *Invasion* of the *Rights* then belonging to their own *Bishops*, should change the *Case*, by becoming themselves the *Invaders* of the *Rights* of *other Bishops* in continuing the *Separation* longer than it could be justified by the *Principles* on which it was *first* made. Hence therefore it follows, that it could not give them a *Power* of *heaping* up a *separate Succession* after their own *Decease*, because the *Right* they had to justify the *Separation* then in being, depended on the *Personal Injury* offered to their own *Persons* which was to *expire* with their *Lives*. Before that *Injury* was offered, they had no *Right* to act *separately* at all, but would have drawn the *Guilt* of *Schism* on their own *Heads*, if they had *then* denied their *Communion* to their *Colleagues* in the *Synods* of which they were then *Members*. And so long they were *obliged* to act by the *Rules* of *Synodical Determinations* of which this was a principal one, that they were to be *concluded* by the *Majority* of their respective *Synods*. The *Right* therefore of acting *separately* can last no longer than the *Lives* of those who suffer by the *Injury*, which must necessarily put an *End* to all *Injuries* that are *Personal*. When the *Schism* is ended, whether by *Reparation* of the *Injuries*, or the *Decease* of the *Injured Persons*; they then *return* to the *Condition* wherein they were *before*, and can no longer justify their

their Acting as a *separate Communion* from being *Schismatical*. Then all their Acts must fail in *course*, which was ground on the *Temporary Right* they had of Acting as a *separate Communion*, which as it *begun* with the *Personal Injuries*, must also *dye* with them. Of this kind was that of *substituting Successors to Rights*, that must necessarily expire before the *Case of Succession* can fall. This is a double *Usurpation*: 1. That of the *Substitution* after their own *Death*, when whatever *Right* they had *before*, must be supposed to have been *extinguished* with their own *Lives*: 2. That of *encroaching* on the *Right* of their *Synod*, by which they ought to be *over-ruled* in the *Choice* and *Consecration* of their *Successors*; of the same kind are all *Acts* of what *nature* soever, that are intended for *Perpetuity*, which no *Power* can pretend to, that cannot pretend to be more than *Temporary*, and for no *Term* beyond the *Lives* of them, who, for the time being, are vested with the *Power*. These must necessarily expect the *Ratification* of *Posterity*, to whom the *Right* devolves when it is *extinguished* by the *Demise* of each particular *Person* who had *once* a share in the *Right*. And to *design* a *Decree* that must last after the *Devolution* is plainly to *invade* the *Right* of those to whom it must legally *devolve* when that *Power ceases*, which is only *Temporary* and *Personal*. Much more must such Acts be *Originally Invalid*, which are made with a *design* of *eluding* the *Devolution*, and the *conveyance* of the same *Right* to those who
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are the *Canonical Successors* to it upon the *Extinction* of that *Right* which had before been only *Personal*. The *Publick Interest* of the *whole Body* ought herein to over-rule all *private* selfish *Projects* for *prolonging Personal Rights* beyond the *Persons* who had formerly been invested with them. The *Publick* must not lose the *Right* for a Moment, as it must do if the *Devolution* be interrupted. It ought, in *Reason* and *Justice*, to take place even of *private Right*, and therefore much more of the *fraudulent Contrivances* of *concerned Persons* to make the *Devolution* unpracticable. The claiming any thing of those kinds would make *Injured Bishops Gainers* by the *Injury* that had been offered to them, if they had thereby been *enabled* to make *Acts* that should oblige for ever by a *Right* that ought to *perish* with their *Lives*; and to be for ever free from the *Canonical Restraints* of their respective *Synods*, to which they could not pretend *before* the *Injury* had been offered to them. This would *encourage* Bishops to make, if they could not find, occasions for heading *opposite Communions*, when they might thereby enlarge the *Power* given them at their *Episcopal Consecration* beyond the *Bounds* within which they must otherwise have been confined. Especially when they might be *indemnified* in such attempts, either by the *Secular Powers*, or by a *Party* too *Potent* to be suppressed. This must, in process of time, *ruin* the *Body*, when the *Cases* should prove *numerous*, if *Schisms* so grounded on *Personal Injuries*,
may,

may, consistently with Principles of *Conscience*, be *perpetuated*. And all this with gradual and proportionable *encroachments* on the *lawful Power* of the *common Body*. There ought certainly to be some regard to the *common Bodies*, when the *Injuries* which have already occasioned *separate Communions* are known already to be only *Personal* and *Temporary*; and that, when the *Injuries* are *ended*, it will then be their *Duty* to reunite to their respective *Bodies*. Publick-spirited Persons ought, in the mean time, to take care that the good of the *Publick* be preferred to the Interests of a *small Party*; and that the *Reconciliation* which cannot be presumed very *distant*, when the *Separation*, which is at present thought *necessary*, is grounded on *Reasons* only *Temporary*. Care therefore ought to be taken, in the mean time, that, when the *Season* of *Reconciliation* comes, the Wound that has been made by the *Schism*, may be perfectly Cured; that the Church be restored in *Integrum*, to the *Plenitude* of *Power* of which she was possessed *before* the unhappy Breach. As *single Persons* were *wronged* by the *Injuries*, so they were *particular Persons* also who were concerned in *offering* the *Injuries*. Nor is there any more *reason* that the *publick Body* should lose its *Rights* in disposing of the *Succession*, and *returning* to *Unity* within it self, upon the *Expiration* of the *Personal Injuries*, and the *Schism* which had been grounded on those *Personal Injuries*; than that the *Persons Injured* should lose their just

Rights

Whenever it shall be agreed on, may be entire. The rather so because a *Reconciliation*

Appendix.

25

Rights by an *invalid Deprivation*, even for the space of their *own Lives* respectively. No Act therefore of theirs, even whilst their *separate Communion* was *justifiable*, can be valid *after the Death* of the *last Survivor*. Nor can it therefore *prolong* their *Power* after that same *Period*; but must be so far *null* in it self, as it may pretend or *seem* to do so, as inconsistent with the *Right* the *Publick Body* has to be *reunited* from thenceforward, which *Publick Right* ought to *over-rule* all *private Claims*.

Yet, how certain soever it is, that our *invalidly-deprived* Fathers could not gain any new *Accession* of *Power*, by a *Deprivation* confessedly *invalid*; there is however, I confess, an appearance to the contrary, that

10. On terms of *Equality*, *Occupation* gives a *Right*, which it is *Unjust* for any other only *equally intitled Person* to *invade*.

may induce our old *Friends* to *think* otherwise. All the *Right* which we, as well as they, acknowledged in those same Fathers to Act in *all other Dioceses*, as well as their *own*, may look like a *new Accession* of *Power*, because they could not pretend to it *before*. But, whatever it *seems*, it is not really so. The *Power* exercised by them, in this particular, was really no more than what they had each of them received at his *Consecration*. They were then so far made *Bishops* of the *Catholick Church diffusive*, as that they had a *Right* to exercise the *Power* that was then given them where-ever *Christianity* was professed, where-ever that

exercise

exercise should not prove *inconsistent* with the *Right* of another *Bishop* of equal *Authority* with themselves. Thus they had a *Right* of *actual Exercise* in all *vacancies*, where there were no *Catholick Bishops* invested with a *better Right* for filling those particular *vacancies*. And this was *truly* the Case, whilest those *invalidly-deprived Bishops* lived, who were pleased to *insist* on their *Right*. The *Body* of our *English Bishops* were so long involved in the *Schismatical Contagion* by their *Communion* with some *principal Schismatick*, and by their *Schism*, made themselves *no Bishops*, as to any *exercise* of their *Episcopal Power*, and their *districts vacancies*, by the Interpretation of *Catholick Discipline*. So long therefore the *invalidly-deprived Fathers* had the *Power* of the *whole Church of England*, whilest the *whole Church of England* continued to be one *intire vacancy*. And had this *vacancy* been perpetual, they might in the Name of the *whole Church of England*, have made *Constitutions* that might have obliged *Posterity* also, till they were *repealed* by an *Authority* equal to that which made them. But this was no more an *increase* of the *Power* which was given them at their first *Consecration*, than it would have been if they had *exercised* the same *Power* in a Country, which had *first* been *converted* by them, which had never heard of the Name of *Christ* before they had heard it from them. In this Case there could be no pretence for an *increase* of *Power* in them, where there had been no *antecedent Right* that
could

Appendix.

27

could either *give* or *forfeit* what had been *lawful* for them to *exercise* in such a *desolate district*, though it had been *unlawful* for them to have *exercised* it in *England*, in Case there had been no *vacancies* made by *Schism*. This is indeed the reason that gave those *Bishops* no *Right* to *exercise* their *Authority* in their *Colleguer districts* after their *invalid Deprivations*, because they had it after the Commencement of the *Schism* by the *invalid Deprivation*, but could *not* have justified the like Encroachments on their *Brethrens* Rights, if the *Schism* had not made the *districts* of their Brethren *vacancies*. But this will appear to be now *new Power*, but only a new *capacity* of the *district* for *receiving* the *exercise* of that *same Power* which was given them at their first *Consecration*. The *Power* given them was *indefinite* rather than *universal*, such as might have been *exercised* where-ever they could *find* or *make* *Christians*. Such as had been in the *State of Nature*, (if ever there were such a *State*, such as our *Common-wealth Adversaries* would perswade us to have been *every where*) among great *Multitudes* of Men in Countries yet *unoccupied*, and therefore in that *State of mutual Equality*, wherein they suppose them *before* any sort of *Government* had been settled by the *consent* of all the *Individuals*, who were to be *concluded* by the *settlement*, how *free* soever they had been *before*. In this Case every *Individual* had a *Title* to his *quota* of the *product* of the *whole*. Yet so, as

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that

that every *other Individual* also has the *like Title* to his own *Share exindiviso*, tho' no *Shares* be *divided* and *ascertained*. Yet there is no necessity of making this *State* a *State of War* (as *Mr. Hobbes* would fain have perswaded us) if *Men* would even *then* have acted like *Men*, that is, like *Reasonable Creatures*. That very *Reason* would make every *Individual* sensible, how much it is his *Interest* to keep a good *Understanding* with *all* with whom he *converses*, of whose *good Will* he may any time stand in *need*. It would make him to *prevent* them by *good Offices* of his own, as an *Engagement* for doing the like for *him* when he shall *need* them. It would *oblige* him to do to *them*, as he would have them to *deal* with him. And as each *Individual* has those *Rights* antecedently to any *political Partition*, so he is capable of being *injured* if any such *Rights* be *derived* from him. Occupation, even in this *case*, confers a *Right*, provided that the occupying Person occupies no *more* than what, upon an equal *Partition*, might fall to his own *share*. But if any pretend, in this *Case* to *occupy* so much of the *Common*, as not to leave enough to answer the *Proportions* of this *Multitude*, (whom we are not yet to call a *Society*) who have notwithstanding as great a *Right* in the *Common* as *himself*; this will indeed begin the *Hostility*, which, without this, could never have been, whilst the *indefinite Rights* in the *Common*, would, without *Partition*, have answered the *Necessities* of each particular. For he makes himself a *common*
Enemy

Enemy who breaks these Rules, which are so absolutely necessary to keep up this friendly Commerce between Rational Beings, which is so necessary for the Good of each Individual Person antecedently to all Political Contracts or Settlements.

We are therefore, by the same Parity of Reasoning, so to interpret this *Right* of every *Individual Bishop* to *Catholick Jurisdiction*, which is *equal* in them *all*, as that it may not *interfere* with the *Rights* of his *Brethren* of the same *College*, I mean, as to the *Rights* appropriated to *each* of them, (by the *Rules* of the first *Settlement* for keeping up the *Succession*) at their several respective *Consecrations*. This is somewhat *more* than the *Occupation* now mentioned in the supposed *State of Nature*, which was notwithstanding alone sufficient to make an *Invasion* on *Rights* so *occupy'd* *injurious*. The *Occupation* in the *State of Nature* gives *Right* only by the *Reasonableness* of the thing it *self*, and the *Advantage* it gives to a *particular* Claimant above all others who lay *Claim* to the same *Possessions*; and it is the common *Interest* of every *Individual* Claimant, that *Occupation* within reasonable *Bounds* should *secure* him in the *peaceable Possession* of what this *Necessity* shall oblige him to *occupy* for his own *private* use, still supposing him to *confine* himself with *Occupation* within his own *Quota* of the *whole*. But it is the same *Divine Constitution*.

II. *Unrivalled Possession* of a *Diocesan District* gives such a *Title* of *Occupation* between *Bishops*, who are otherwise equal by their *Episcopal Consecration*.

tion that gives *Bishops* a *Right* to *exercise* their *Power* in their *Diocesan Districts*, together with an *Appropriation* of those *Districts* to themselves, and an *Oecumenical Right* to exercise it wherever they shall find *Vacancies*. Yet so that they must not be *Consecrated sine titulo*. So that the *Power* be first given within the *Diocesan District*, though it may afterwards be extended further as occasional *Emergencies* may require. That therefore which is given *primarily*, must still be *excepted* out of what is given *consequently* to be exercised *occasionally*, if we will so *interpret* God's Gifts as to make them *consistent* with each other: Thus it will be as *necessary* for keeping up that good *Understanding* among *Bishops* themselves which may make them *one Communion*, (which is essential to *Ecclesiastical Discipline*, that *Bishops* may be obliged to forbear encroaching on each others *Jurisdiction* as *Diocesan* notwithstanding the *Right*, which *each* of them may equally claim, of exercising their *Power* in *unoccupy'd Jurisdictions*, wherever they find them) as it is *necessary* for every *Individual Man*, in the forementioned State of *Nature*, to forbear all *Invasions* of what is fairly *occupied* by any other *Man*, if he will enjoy the Benefit of that good *Will* of the rest of the yet *not-incorporated Multitude*, which is as *necessary* for the *Comfort* and *Happiness* of each *Individual*, even *Antecedently* to *Incorporations*, and the Benefit of *Positive Laws* made by the *Governors* of the *Bodies* for the Good of all *Members* of the same *Bodies* in the State of *Incorporation*.

Appendix.

31

corporation. And as it is the Beginning of *Hostilities* in the State of *Nature*, for any one *Individual* to *invade* what is fairly *occupied* by another, so it is the Beginning of a *Schism* in the *Church* for any *Bishop* to *invade* a *Jurisdiction* already fairly *occupied* by a *Colleague* of his own *Order*. It invades the *Security* of every *particular Bishop* in his own respective *District*, even of that of the *Invader* himself, if any of his *Colleagues* should follow his ill *Example*. And therefore being against the *Common Interest* of every *particular Member* of the *College*, can never be *Just*, nor is capable of being enacted into a *Canon*, wherein they may all agree. On the contrary, it engages all, if it should once be allowed to pass as a *Precedent*, to stand on their own *Defence*, and to act *separately* within their own *Districts*, without hope of having their Acts *ratified* by their *Colleagues*. This we call *Schism* in the *Church*, the *Ecclesiastical Society*. And it is the same with that which is called a *State of War* in *Societies* that are purely *Temporal*.

Nor could the *Consecrators*, who conferred the *Episcopal Power*, intend to give a *Right to Act* in their *Brethrens Districts*, without their *Leave*, and against their *Wills*, and in *opposition* to them, and all on their own *private single* Judgments. If therefore our *Fathers* had this *Right* since their *invalid Depri- vation*, which it is certain they had not before ;

12. The *Colleague Bishops* concerned in the *Consecrations*, could not intend to give a *Power* to *Bishops* consecrated by them, to act in *Districts* which were not their own.

it must certainly *follow* that our late *invalidly-deprived* Fathers *acquired* this new Accession of Power by that very *Deprivation*, which even our Friends acknowledge to have been *invalid*. And how can they conceive that the same *Act*, which, on account of its *Invalidity*, could *take* nothing from them, should notwithstanding its *Invalidity*, be able to *confer* any thing upon them? Can our Friends therefore think that the *Bishops* Consecrated by them, had a *Right* to invade their own *Jurisdic-tions*, and to set up new *Altars* in *opposition* to *themselves*? This would have discouraged all *Consecrations*, if they must thereby raise as many *Rivals* of their own *Power* as there were *Persons* vested with *Episcopal Power* by those *Consecrations*. If they did *not* believe them to have it on account of their *Consecration*, it could be no *Tradition* that they *ought* to have it on that account *alone* of their *Consecration*. If they did not believe that *Consecrated Bishops* had any such *Power* conferred upon them, by the *Act* of *Consecration* alone; how can we suppose *Consecrators* so insensible of their own *Interest*, as *willingly* to confer a *Power* so *per-nicious* to *themselves* by a *new Act* distinct from the *Consecration* it self, and easily *separable* from the *Consecration* by the arbitrary *Pleasure* of the *Bishops* concerned in the *Consecration*? That had been to have armed the *Consecrated Bishops* with a *Power* of *breaking* the *Unanimity* of the *Episco-pal College* upon their own *single* Judgments, which *Unanimity* is essential to the *Discipline* of every
single

single Diocesan District, and to their being one Communion, by which every single Bishop's Acts are ratify'd in all Districts of the same Communion as well as in his own. Nor is it indeed possible that any Right in another Bishops District can be conveyed by the bare Act of Consecration singly considered. What is so conveyed is equal in all Bishops, as the Consecration it self is. Nor can it therefore give him any Advantage above his Brethren, such as he must certainly pretend who will claim a Right to act in the Districts of his Brethren without their leave. Indeed all Bishops were Originally equal as succeeding immediately into the Rights of the Head Apostle in the Colleges of Jerusalem and Ephesus, and as it appears from the Reasonings of St. Ignatius and St. Cyprian, then generally allowed in Subjects of General Concernment, and wherein the Publick was interested to have notified their Dislike, if it had been otherwise. And all the Rights of Metropolitans and Patriarchs in the Jurisdictions of their Suffragans were the Results of Synodical Agreements by the Consent of the Suffragans themselves, for the more convenient Administration of their Provincial and National Assemblies; and may so far oblige their Successors, as they judge the Convenience of such an Administration sufficient to make amends for that Loss of their Original Rights by which it was at first settled. However, it is certain, that it is no necessary Consequence of that indefinite, not Universal, Right which every particular Bishop has of

Acting

Acting out of his *Diocesan District* in *Vacancies*, that he may therefore take the same *Liberty* in full *Sees*. If therefore this *Right* of *exercising* Authority, in their *Colleague's Districts* were claimable by our *invalidly-deprived* Fathers after their *invalid Deprivation*, to which they could lay no Claim *before* ; it will become our Friends to give some tolerable account how they came by it. The *Deprivation* it self, most certainly, could not give it. Their *Brethren* who *Consecrated* them could never *intend* to give it. It does as certainly suppose an *Inequality* between them, and *those* of their *Brethren*, whose *Districts* are *invaded* by them, if this *Invasion* can be justified. If therefore they *had* it, they must have been *Gainers* by the *Injury* that had been done them. But how can that be accounted for ? There could have been no *Forfeiture* between *Equals* who had no common *Ecclesiastical Sees* nor *Ecclesiastical Judges* between them, to whose *Determination* both Parties were, in *Conscience*, obliged to *stand*. Nor could the *supreme publick Government* be capable of *forfeiting* any Branch of their *Right* for *Injuries* committed against *private Persons*. Our *invalidly-deprived* Fathers themselves might, whilst they lived, and claimed in their own *Persons*, rightly challenge a *Freedom* of *exercising* their *Power* in *Districts*, which had formerly been the *Properties* of their *Colleagues* so long as they were *one Communion*. But not on account of any *Accession* of any *Power* which was properly *new*, and was not theirs *before* ;

fore ; but purely on account of their *Sees* being *Vacancies*. Which Reason continued so long as they lived who had the *better Right* to any one *See*. This *Right* made the *Possessor* of that one *See* a *principal Schismatick*, and all the other *Bishops* who communicated with him *Schismaticks* also by *contagion*, on that very account of their being in *Communion* with him. But when the *last invalidly-deprived Possessor* dyed, the *Possession* was then intirely free from any *Schismatical Incumbrance*. The then *Possessor* had no *Rival* that could so much as pretend a *better Title*. Nor could there therefore, from that time forward, be any pretence for making his *Possession Schismatical*, nor him a *principal Schismatick*. And when there is no *principal Schismatick*, there can be no *Schismatical Contagion* that can be contracted by any other *Bishops* on account of their *Communion* with him. Thus it appears that the *old Schism* was intirely extinguished, and that the new *Schism* thence commenced, could lye against none but the then *present Possessors*.

I was therefore mistaken, when I conceived, that if the *last Survivor* of our *invalidly-deprived* Fathers had substituted a *Successor*, that would have kept things in the *same Condition* wherein he left them at the time of his *Decease*.

13. The *last Survivor* of our late *invalidly-deprived* Fathers could not give a *Successor* a *Right* equal to his own.

That is, that the *same Right* would have continued in such a *Successor* which had been formerly in

in himself. And that, after his Departure also. This would indeed have made such a *Successors Right* as much *better* than the *Right* of the *occupant Possessor*, as that was *acknowledged* to have been which had been lodged in the *invalidly-deprived* Predecessor. So the *Schism* would have continued on the *same Foot* whereon it was begun. And the *Charge* of it would have been grounded on the *Injury* which had been committed against the *last Survivor*, not against the *then* present *Possessor*. But however *plausible* this may seem at the first *appearance*, it is certainly very *false* as to the *Matter of Fact*. Whilst the *Surviver* lived, the *Survivers better Title* must have kept the *Substitute* out of a *Possession* that could, by any fair *Construction*, be called *Canonical*. And if, to prevent this *Exception*, the *Surviver* had *resigned* in favour of his *Successor*, yet even this would not have solved the *Difficulty*. That very *Resignation* would have *vacated* the *See*, and put an *end* to the *last* of the *Personal Injuries* which had been *concerned* in the *invalid Deprivations*. And consequently to the *Schism* it self, which had been grounded on those *Personal Injuries*. Then the *Dispute* had been between the *Substitute* and the *Possessor*, whether of them would have had the *Advantage* of the other as to the *Seniority* of his *Possession*. And here also *reason*, as well as *Favour* lies on the side of the *Possessor*. The *Rule of Law*, that *melior est conditio possidentis*, is it self very *reasonable*, where there is not otherwise an *Inequality*

quality of Claim between the several *Competitors*. Nor can that *Inequality* have place *here*, where neither of them can have *Possession* without a *Vacancy*, and *Vacancy* confers a Title to none but the *first Canonical Occupant*. Now, to *whether* of them this belongs, must be determined by the *Precedency* of the *Seizure*. But, whatever else the *last Survivor* might give to his substituted *Successor*, this *Precedency* could not possibly be given by him to one who was intended as a *Successor*. Though this *Precedency* was indeed the only *Advantage* that continued his *own Right* in opposition to his *injurious Possessor*. Let our Friends date the *Vacancy* from *whether* Period they please, either of his *Resignation*, or his *Death*, the *Possessor* will have the same *Advantage* against the *Substitute* which the *last Survivor* had against the *Possessor*. If therefore that *Advantage* made the *Altar* of the *Possessor* *Schismatical*, as erected in opposition to the *Altar* of the *Surviver*, who, whilst he *lived*, had a *Priority* in the *Possession*, which had been forcibly taken from him: So, for that *same* reason, the *Substitute* must be the *Schismatick* from the *time* of the *Demise* of the *last Survivor*, because he must necessarily find the *Occupant*, who is his *Rival*, in a *Possession* *earlier* than any to which *himself* could pretend. If the *Vacancy* had been made by the *Death* of the *last Survivor*; it would have been impossible for the *Substitute* to have received any sort of *Possession* from the *last Survivor* himself, because there could have been no *Canonical Posses-*

Possession but in a *Vacancy*, which could not *then* be given by *him*, from whose *Death* the *Vacancy* is here supposed to have been *begun*. Nor, for the same reason, could the *last Survivor* give a good *Possession* in his *Life* time, though he had given it upon a *Resignation in favorem*. This would not have mended the *Matter*. The *Resignation* must as necessarily have made way for the *Vacancy*. And the *Occupant's Possession* would have been *rightful* from the very *Moment* wherein the *Resignation* had been perfected, before any *new Act* could have been attempted, by which the *Substitute* might have been invested in the same *Possession*. This *Priority of Possession* in the *Occupant* does not only *binder* the *Continuation* of the former *Schism*, but perfectly *extinguish* it, and leaves no *room* for any *new Schism*, but such as must be *begun* by a *new Invasion* of the *Rights* of the *Senior Occupant* himself, and must make them guilty of the *Charge* of being the *Schismatics* who shall prove guilty of the *new Invasion*.

Thus the *Matter* must needs stand when the *Occupant Bishops* have full *Episcopal Power* given them, by them who have an undoubted *Right* to give it them, and when they are in *actual peaceable Possession* by the unanimous *Consent* of all who can pretend a *share* in the *Right* to give *Possession*, if no *Schism* had intervened,

14. If *Episcopacy* had been *extirpated*, or the *Possessing Bishops* had no *truly-Episcopal Power* given them by Persons sufficiently *Authorized* to give it them; our *invalidly-deprived* Fathers would have had the *whole Power* of the *Church* of *England*, not only for

tervened, which might have *deprived* them of that *Right* which would *otherwise* have been undoubtedly their *due*. their own *Lives*, but with a *Right* also of perpetuating the *Power* which themselves had received.

Here *nothing* could be *wanting* that would have been *requisite* for a *Canonical Appropriation* of such a *See*, but only a *Canonical Vacancy*, which (when-
ever it falls out) must needs make such a *Possession*, as this is supposed to be, *unexceptionable*. But if *Episcopacy* had been *extirpated*, or the *Possessing Bishops* had been *substituted* by no better *Authority* than that was, by which our late *Holy Fathers* were *deprived*, that is, by a *Power* purely *Laical*: Either of these *Cases* would have given the *Synod* of our late *invalidly-deprived Fathers* the *full Power* and *Authority* of our *National Church*, not only for their own *Lives*, but for providing for *Posterity*, and for *perpetuating* that *good Authority*, which none but they could either *give* or *perpetuate*. Yet without any the least *accession* of *new Power* gained by their *invalid Deprivation*, beyond what each of them had *received* at his respective *Consecration*. Then, as we have seen, they *received* a *Power* to be *exercised* by them wherever they should find *vacancies*. And that is the only singular thing that is observable in both of these *Cases*, that *both* of them *suppose* all the *districts* in *England* to be *vacancies*. For it is the *same* thing as to our present *Reasoning*, whether they have *no Bishops* at all; or whether they who are actually *possessed* of them under the *Name* of *Bishops* be

be really no Bishops at all, but *Equivocally*, as to the bare name. Such are no more qualified for occupying or filling *Episcopal districts*, as to the exercise of any properly *Episcopal Rights* than even *Presbyters* themselves. So that they cannot hinder such districts from still continuing *vacant*, as to the reception of a true Bishop, as well in *Signification*, as in *Name*. Nor can it have any appearance of encroachment for a true Bishop to exercise his *Episcopal Authority* in such an *Episcopal district*, as I suppose that to be whereof I am now speaking. The *Altar* of a *Nominal Bishop* can only be a *Nominal Altar*, no real one, who cannot pretend to be any *Legal Authorized Representative* of *Christ*, so as to oblige *Christ* to a *Celestial ratification* of what is, in *Christ's Name*, performed on *Earth*, without any real *Authority* derived from *Christ* to use his *Name* in such performances. Nor can there consequently be any *Altar* erected in opposition to such an *Altar*, which has no *Authorized Priest* for offering our *Mystical Evangelical Eucharistical Sacrifices* upon it. Nor can such *Exercises* of *Episcopal Authority* be fairly interpreted as any way derogatory to the *Authority* of *Christ*, where *Christ* is no way concerned, who never gave the *Civil Magistrate Authority* to oblige him, in affairs of this nature, which no *Civil Power* can perform. In these Cases, the matter is so clear, that even *Presbyters* may exercise their *Presbyterial Power* in such districts as these are, where there is neither real *Episcopal*, nor even *Presbyterial Occupation*

cupation of *Presbyters* owning their *Subjection* to the *Episcopal Order*, that can pretend to be injured by such *exercises*. And if our *deceased Fathers* had substituted *Successors* that might have had a *Right to exercise* the *Episcopal Power*, which had been given them by those *same Fathers*, when either of these *Cases* should have happened; they had very much obliged our *National Church* in making such *Provision* for those *Cases*. Provided they had been confined to those or the like *Cases*, wherein there might have been no *true Episcopal Power* to rival them, that might have been as well qualified, as themselves, for filling *vacancies*. And there was indeed too likely a prospect of one of them, considering the very loose *Notions* concerning *Episcopal Power*, which then prevailed, and still prevail among too many, who notwithstanding own the *Episcopal Communion*, even *Bishops* themselves.

The ground, of what has been said, is plainly this. The *Power* received by every *Bishop* at his *Consecration* has no confinement, but what results from the *Rights* of other *Bishops* of his own *Order*, and equal with himself, over whom he can pretend no *Superiority* on account of that *Consecration*, which is common to him with the meanest *Suffragan* of the same *Order*. If therefore there had been

15. *Validly Consecrated Bishops* may so fill *vacancies*, as that they cannot be invaded by any other *Bishop* without a new accession of *Power* beyond what is given to every particular *Bishop* at his *Consecration*. Which new accession could not be claimed by the last *Survivor*.

been no more but *one Bishop* in the *World*, there would be no doubt but that he might *exercise* his *Episcopal Power* where he *pleased*, because, in that *Case*, there could be no pretence of *Injury* to any *other Occupant* of *Equal Catholick Right* and *Power* with *himself*. The *Case* would be the same in a *National Church* that had but *one Bishop* in it. The *whole Power* of such a *National Church* would be lodged in him, how *mean* soever his *Character* had been *before*, whilst there had been an *Episcopal College* in the same *Nation*, provided only that his *Character* had been *truly Episcopal*, how *narrow* soever his *District* had been *before*. Nor would it any way *alter* the *Case*, if other assuming *Persons* should take upon them, the *Name* of *Bishops*, and challenge proper *Districts* as belonging to them, under that *Appellation*, by *Rules* formerly received in common by the *College*, whilst they made a *National Church*. Such a *Usurpation* of the *Name* could confer no *Right* upon them either to *Episcopal Power*, or to *appropriate Districts*, without a solemn *Consecration* by *one*, at least, who was *already* possessed of that *same Power*, and of a *Right* to confer it upon *others*. Such a *Nominal Bishop* would still *continue* to be no *real* one, and his pretended *District* a *real Vacancy*, till he should receive a *new* and a *valid Consecration* from *Persons* sufficiently *empowered* to *Consecrate* him into *Episcopal Orders*. Till then no *Vacancy* could make him a *true Bishop*, or his *Possession* a *Rightful Possession*, who would be not only *incapable* of succeeding into

a full *See*, but even of occupying and filling a *Vacancy*. But a *Bishop* already invested with true *Episcopal Power*, wants nothing requisite for the appropriating a *District* but its *Vacancy*, and when that Case falls, the *actual Possession* he had before, by the *Consent* of those who had the *Power*, tho not the *Right* (as considered alone) to give an *unexceptionable Possession*; from that time forward that he has no longer any Rival, his *actual Possession* begins to be *Canonical*, by the *Laws* of the *Church*. And, when it is so, no *Encroachments* made upon it can be justified by *those Rights*, which are common to the *Episcopal Order*, but by some *Accession* of new *Power*, which may legitimate the *Invasion* of such a *Bishop* as should prove guilty of the *Invasion* by some new pretence of *Superiority*. Nor can any *Claim* be laid to this *Superiority* of any kind but what must be grounded on *Collegiate Acts* of those particular *Bishops* themselves, whereby they agreed to incorporate themselves into *Provincial* or *National*, or greater *Bodies*, that might *Assemble* and adjust *Difficulties* that might arise between them, for the more convenient *Maintenance* of that *Correspondence* which was necessary to be observed *unanimously* by all particular *Bishops*, in order to their mutual *Ratification* of each others *Acts*, and their keeping themselves in one *Communion*, on which the whole *Discipline* of the *Church* did fundamentally depend. The *Management* of those *Bodies* and *Assemblies* made a *Subordination* necessary for keeping order in those *Bodies* and *Assemblies*. Which could never be attained

tained, if all *particular Bishops* persisted in their Claim to their *Original Equality*. Thence it became requisite that every *Individual Bishop* for himself and his *Successors*, should make such *Cessions* of his own *Original Rights*, as were absolutely necessary for preserving the *Unanimity* of their *Practice*, by their being *concluded* by the *principal Managers* of their *publick Assemblies*, in things of *lesser* importance, and uncapable of that *Evidence* that might be thought sufficient to satisfy every *particular Member* of the *Episcopal College* singly considered. This seems to have been the true *Original* of that *Inequality* between *Bishops* which prevailed *afterwards*. And whatever *Bishop* will now insist on a Claim of *Inequality* with his Brethren of his own Order must ground his Claim on those *Cessions* of *Right* granted by every *Individual Bishop* for himself and *Successors*, which may oblige them so long as they enjoy the *Benefits* on consideration whereof those *Cessions* were first granted, that is, whilst they enjoy the *Benefits* of the *Synodical Assemblies*, and whilst those *Benefits* were judged sufficient to *countervail* the *Loss*, which every *Individual Bishop* had suffered by those *Cessions* which had *deprived* him of so many of his *Original Rights*. But this *Superiority* cannot be challenged by the *Power* given to *Bishops* by their *Consecration*. That *Power* is *equal* in all, as the *Consecration* it self is. Nor can it therefore suppose any *Cession* of *Right* which might cause any *Imparity*. Rather it supposes them in *Possession* of all their *Original Rights*, which had not yet been granted

granted away upon any Considerations whatsoever. Which State is *inconsistent* with any *Superiority*, and must make it *injurious* and *Schismatical* for any *particular Bishop* to invade a *District* already *occupy'd* by any of his Brethren. Claims of this kind must be grounded on *Compacts* made by the *particular Bishops*, whereby such *Rights* were *parted* with as were judged *inconsistent* with their *Incorporations* into *Synods*. Yet those *Cessions* are like the *Laws* of *Nations* not committed to any *written Codes*, but grounded on the *Equity* and *Reasonableness* of the things themselves, and a *tacit Reception* and *Acknowledgment* of their *Reasonableness* by a uniform *Practice* of all that are concerned in the *Correspondence* of the *Synodical Bodies* which could not otherwise have been *incorporated*. Here the *Cessions* being *voluntary*, by the uninterrupted *Consent* and *Approbation* of the *Individuals* by whom the *Cessions* had been made, the Claims of *Right* grounded on them could not be *injurious*. Nor give any just reason of *Complaint* to those who had *voluntarily* yielded their own *Rights* upon valuable *Considerations*. However, our Friends would do well to consider how *substitute Successors* can lay Claim to *Rights* thus grounded on these *Cessions*, without a new *Accession* of Power beyond what was given them at their *Consecration*. *Metropolitans*, of all sorts, were they in favour of whom those *Cessions* of *Right* were made, as being the only Persons concerned in the Management of the *Loss*, as well as the greater *Synodical Assemblies*. *Left*

But our *invalidly-deprived Metropolitan* dyed long before the *last Survivor* of those who were concerned in that Case. And with him the *Metropolitcal Right* was *extinguished* as to our *little Flock*, no *Successor* being *substituted* in his Room, even by his *Orthodox Brethren* who were concerned in the same Cause with him. This *Death* immediately put an *end* to the *Schism*, so far as his *Personal Rights* were concerned in it. It made immediately a *Vacancy* for his *Rival*, who, by his *valid Episcopal Consecration*, was *qualify'd* to *succeed* him in the See of *Canterbury*, and all the *Archiepiscopal Rights* belonging to it. And, if he had declared himself of the same *Communion* in which his *Predecessor* dyed, or had *not* contracted a *Contagion* of the *Schism* by his *communicating* with other *principal Schismaticks*, who survived our *Catholick Metropolitan*; this would undoubtedly have been the *Consequence* of that *Demise*. His *Rival* formerly would, from thence forward, have been his *Lawful* and *Canonical Successor*. His *Succession* in that *See* would have been *legitimated* from the time in which it became a *Vacancy*. And his *Canonical Possession* of that *See* would also have given him a *Right* to all the *Metropolitcal Claims* belonging to that same *See*. And whatever *Alteration* in the Case is made by his *voluntary* involving himself in the *Schismatical Contagion*, it can give no *Right* to any other *See* but *Canterbury* to *succeed* into the *Metropolitcal Rights* which are annexed to that particular *See*, however *forfeited* by the Possessor

feſſor for the time *being*. Though there had been no *invalid Deprivation*, nor the *Schiſm* that followed upon it ; none of our *other* invalidly-deprived Fathers, not even the *laſt Survivor* himſelf, could pretend to ſucceed Archbiſhop *Sancroft*, or his unrivalled *Successor* in the *Prerogative* of their particular *See*. Nor can the *Invalidity* of their *Deprivation* any more *add* to, than it could *detract*, from the *Claims* they had before. It only *left* them as it found them. If therefore it found them in no Capacity of ſucceeding to that *Metropolitica! Right* that might enable even the *laſt Survivor* himſelf, to exerciſe his *Episcopal Power* in an *occupy'd Jurisdiction*, it could not *give* it him. Unleſs our Friends, to avoid this, will indeed make him a *Gainer* by the *Invalidity* of his *Deprivation*. Which, if they will venture to affirm, they muſt alſo be obliged to *prove*. And if this be too hard for them, they muſt then conſider how he could *convey* that *Right* to a *Successor* which he never had *himſelf*.

The *Sum* of what has been ſaid is this : There can be no *Schiſm* by *contagion* where there is no *principal*

16. Recapitulation.

Schiſmatick : The *Death* of the *laſt Survivor* of our late *invalidly-deprived* Fathers made the *Rival* of that ſame *Survivor* no longer a *Schiſmatick*, by making his *occupied Poſſeſſion* a *Vacancy*, which was all that he wanted before for making his *occupied Poſſeſſion* perfectly *Canonical* : That *Death* therefore put an *end* to the *laſt principal Schiſmatick* as a *Schiſmatick*, as well as to the *laſt invalidly-*

lidy-deprived *Surviver*. Nor can there any longer remain any *Schism* at all, where there is neither any *Schism* by way of *contagion*, nor any *principal Schismatick* from whom any *contagion* can be possibly feared. In this Case, all the *Diocesan Districts* of our *National Church* are fairly and *Canonically* possessed. Nor could such *Canonically possessed Districts* be invaded by any of our late invalidly-deprived *Fathers*, or all of them, though *Synodically* assembled, without commencing a *new Schism* from the *time* of that *Invasion*, though they had been *all received*, after the Death of their last *Surviver*, and thereby enabled to act over again what they had done *before*. What they could not *validly*, nor without *Schism* act in their own *Persons*, that they could not *authorize* others to act in their *Name*, on pretence of any *Commission* derived from *them* without the like *Invalidity* of such *Acts*, and the like Charge of beginning a *new Schism*. If those *Fathers* themselves might be allowed such a *Liberty* of *invading* occupied *Districts*, they must necessarily have gained *new Powers* by their *invalid Deprivations* more than was ever *given*, or *intended* to be *given* them at their several respective *Consecrations*. But it is *more* unreasonable to think that they could *gain* any thing by *Deprivations* confessedly *invalid*, than that they could *lose* by them any of their *just Rights*. These things therefore being so, no *Commissions* for *Powers* derived from our late *invalidly-deprived Fathers* can *excuse* the present *Continuance* of the *Separation*, even on
any

any *true Plea* of their *Authority*, from being *Schismatical*. Nor are we therefore obliged to *enquire* whether there be indeed any such *Commissions*, nor whether they be *full* to the purpose of carrying on our present *Divisions* after the *Death* of the last *Surviver* nor how *Authentically* they are *attested*, nor how publicly *notified* for the *Satisfaction* of the whole *Bodies* pretended to be *concerned* in them. Our present Concern is not for the *Facts*, which is all that they can pretend to prove by *Evidences* of this *nature*, but for the *Reasonings* our Adversaries are pleased to make, supposing the *Facts* as *true*, and as *conclusive* for what they produce them. Yet all will not avail them, if the *Reasonings* now mentioned hold, that our *invalidly-deprived* Fathers had no *Right* to *convey* such *Powers* as might *legitimate* their *present Separations*, though the *Conveyance* had been made by a *Form* most solemn, and in *words* most exactly fitted for *Ecclesiastical Conveyances*. All would not suffice for giving *others* a *Right* to *Powers* that ceased to be their *own* at the *time* when the *Persons* were to *exercise* the *Powers* so *conveyed* to them. Till our Friends can *first* answer these *Reasons* satisfactorily, it will be in vain for them to produce, or *insist* on, such *Evidences* of *Facts*, if they be pleased to consider how little they could thereby advance their *Cause*, though they should answer the *Expectation* that even *themselves* might raise of them, as to the *Proof* of the *Facts* pleaded by them.

F I N I S.

PAge 1. line 12. read Mother, l. 22. r. the Interest of ; p. 3. l. 6. striving r. straining, l. 16. Kingdoms, yet r. Kingdoms. *ret* p. 4. l. 3. for in the Sects r. in Sects, l. 11. laudently r. prudently, l. ult. for what can our late Brethren blame and r. And what can our late Brethren blame ; p. 7. l. 9. denyeth r. denied ; p. 9. l. 6. in Italic ; p. 11. l. 4. Novation r. Novatian, l. 13. for would r. could ; p. 15. l. 20. r. as well as that ; p. 16. l. 9. r. as it, l. 29. r. Ordinaries ; p. 17. l. 27. has r. have ; p. 19. l. 22. r. Bishops, l. ult. r. Assent ; p. 21. l. 10. there r. their ; p. 22. l. 10. from r. for ; p. 23. l. 26. left r. lost ; p. 24. l. penult. r. Adversaries ? p. 25. l. 11. Adversaries add have erected ; p. 26. l. 1. for belong r. belongs ; p. 28. l. 25. r. Deprivation. Which p. 30. l. 23. r. lived. Even ; p. 31. l. 1. Grantee is ; p. 35. l. 4. now r. new ; p. 37. l. 13. r. part, l. 22. Adversaries ; p. 39. l. 24. r. Deviations ; p. 40. marg. l. 2. n. 5. r. n. 40. p. 44. l. 24. only r. Heavenly ; p. 46. l. 23. first, r. First, l. ult. dele the ; p. 47. l. antepenult. Persons. From l. penult. r. *ὑποτασσάμενοι* ; p. 48. l. penult. *πιστι* ; p. 49. l. 7. commercio ; p. 50. l. penult. Philadelphia ; p. 52. l. ult. r. Magnes. ; p. 53. l. 1. r. *παρακαλεῖται* *ἐκλογὴν* π ; p. 54. l. 17. r. *τὰς* *ὑπὸ* *τῶν* *καπὸν* *δὲ* *παρακαλεῖται*, l. 25. *Ἀπὸ* *ἑαυτοῦ*, l. 26. r. *ἑαυτοῦ* ; p. 55. l. 5. r. *ὅντα* *ἅπ.* l. 27. Apostles, add owned as committed to their Trust, and that Unanimously. This was indeed the Case after p. 56. l. 3. from r. From, l. 4. r. Bishops. l. 5. some r. same, l. 8. it r. its ; p. 57. l. 10. dele so, l. 26. dele is p. 58. l. 12. r. Coercion ; p. 59. l. 16. them r. it. l. 23. there r. then ; p. 61. l. 15. r. Papias, p. 63. l. 6. r. Bishops, l. 7. were r. was ; p. 69. l. 19. r. *παρεῖται*, l. 24. r. Rosh ; p. 71. l. 10. transacted ; p. 74. l. 8. confirmed r. conferred p. 77. l. 2. Darius r. Deioces, l. 5. Darius r. Deioces, l. 16. way r. where, l. 17. Tradition r. Invention p. 81. l. 13. dele a, l. 20. Case r. Cause, l. 19. and r. which ; p. 87. l. 9. caused r. ceased ; p. 95. l. 10. Church r. Church's ; p. 97. l. 23. to r. by, l. ult. begin a Parenthesis at (who p. 98. l. 2. end the Parenthesis at the Word concerned) p. 100. l. 10. add as bef. aforesaid ; p. 102. l. antepen. Professions r. Professors ; p. 104. l. 9. Constantius r. Constantine ; p. 105. l. 22. Separation r. Segregation. p. 107. l. 18. Members r. Numbers p. 108. l. 17. Thus r. There, l. penult. at r. of ; p. 109. l. 2. after that add a ; p. 110. l. 10. Collegiate r. College, l. 18. Prayers, r. Proxies ; p. 114. l. 17. dele on any such account ; p. 116. l. ult. it is add not the Doctrine of Resistance against Lawful Powers ; p. 117. l. 1. but add, their Denial of our old Doctrines of Passive Obedience and Non-resistance, l. 4. us, add, and their advancing other Propositions inconsistent with those Doctrines, l. 17. at, add as well as of p. 118. l. 12. for seversive r. subversive p. 125. l. 19. render r. revive, l. ult. stand p. 126. l. 4. r. Canons, l. 19. which, in r. in which p. 128. l. 8. r. authoritatively. **6 A' 58**

Page 4. l. 19. Chory r. Clergy ; p. 16. l. 23. Would r. were, p. 19. l. 17. His r. this ; p. 21. 11. Heaping r. keeping ; p. 23. l. 3. was ground r. were grounded p. 24. l. 13. which, add whenever it shall be agreed on, may be entire. The rather so because a Reconciliation ; p. 25. l. 28. aft. they r. a comma, p. 27. l. 6. no r. a, l. 14. now r. no ; p. 28. l. 18. derived r. detained ; p. 30. l. 27. dele as p. 34. l. 15. Sees r. Laws ; p. 48. l. ult. los r. less p. 48. l. 12. received r. revived.

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PAge 1. line 12. read Mother, l. 22. r. the Interest of ; p. 3. l. 6. striving r. straining, l. 16. Kingdoms, yet r. Kingdoms. Yet p. 4. l. 3. for in the Sects r. in Sects, l. 11. laudently r. prudently, l. ult. for what can our late Brethren blame and r. And what can our late Brethren blame ; p. 7. l. 9. denyeth r. denyed ; p. 9. l. 6. in Italic ; p. 11. l. 4. Novation r. Novatian, l. 13. for would r. could ; p. 15. l. 20. r. as well as that ; p. 16. l. 9. r. as it, l. 29. r. Ordinaries ; p. 17. l. 27. has r. have ; p. 19. l. 22. r. Bishops, l. ult. v. Assent ; p. 21. l. 10. there r. their ; p. 22. l. 10. from r. for ; p. 23. l. 26. left r. lost ; p. 24. l. penult. r. Adversaries ? p. 25. l. 11. Adversaries add have erected ; p. 26. l. 1. for belong r. belongs ; p. 28. l. 25. r. Deprivation. Which p. 30. l. 23. r. lived. Even ; p. 31. l. 1. Grantee is ; p. 35. l. 4. now r. new ; p. 37. l. 13. r. part, l. 22. Adversaries ; p. 39. l. 24. r. Deviations ; p. 40. marg. l. 2. n. 5. r. n. 40. p. 44. l. 24. only r. Heavenly ; p. 46. l. 23. first, r. First, l. ult. dele the ; p. 47. l. antepenult. Persons. From l. penult. r. *Ἐκ τῶν ἀντιπροσώπων* ; p. 48. l. penult. *πῶς* ; p. 49. l. 7. commercio ; p. 50. l. penult. Philadelphia ; p. 52. l. ult. r. Magnes. ; p. 53. l. 1. r. *ἡμετέρας ἐκλογὸν π* ; p. 54. l. 17. r. *τὰς ἡμετέρας κατὰ τὸν δαταμφοῦρον*, l. 25. *Ἀπὸ χερσὶ*, l. 26. r. *Χερσὶς* ; p. 55. l. 5. r. *ὅντα ἀπ.* l. 27. Apostles, add owned as committed to their Trust, and that Unanimously. This was indeed the Case after p. 56. l. 3. from r. From, l. 4. r. Bishops. l. 5. some r. same, l. 8. it r. its ; p. 57. l. 10. dele so, l. 26. dele is p. 58. l. 12. r. Coercion ; p. 59. l. 16. them r. it. l. 23. there r. then ; p. 61. l. 15. r. Papias, p. 63. l. 6. r. Bishops, l. 7. were r. was ; p. 69. l. 19. r. *παρεῖναι*, l. 24. r. Rosh ; p. 71. l. 10. transacted ; p. 74. l. 8. confirmed r. conferred p. 77. l. 2. Darius r. Deioces, l. 5. Darius r. Deioces, l. 16. way r. where, l. 17. Tradition r. Invention p. 81. l. 13. dele a, l. 20. Case r. Cause, l. 19. and r. which ; p. 87. l. 9. caused r. ceased ; p. 95. l. 10. Church r. Church's ; p. 97. l. 23. to r. by, l. ult. begin a Parenthesis at (who p. 98. l. 2. end the Parenthesis at the Word concerned) p. 100. l. 10. add as bef. aforesaid ; p. 102. l. antepen. Professions r. Professors ; p. 104. l. 9. Constantius r. Constantine ; p. 105. l. 22. Separation r. Segregation. p. 107. l. 18. Members r. Numbers p. 108. l. 17. Thus r. There, l. penult. at r. of ; p. 109. l. 2. after that add a ; p. 110. l. 10. Collegiate r. College, l. 18. Prayers, r. Proxies ; p. 114. l. 17. dele on any such account ; p. 116. l. ult. it is add not the Doctrine of Resistance against Lawful Powers ; p. 117. l. 1. but add, their Denial of our old Doctrines of Passive Obedience and Non-resistance, l. 4. us, add, and their advancing other Propositions inconsistent with those Doctrines, l. 17. as, add as well as of p. 118. l. 12. for subversive r. subversive p. 125. l. 19. render r. revive, l. ult. stand p. 126. l. 4. r. Canons, l. 19. which, in r. in which p. 128. l. 8. r. authoritatively. **6 A' 58**

Page 4. l. 19. Chory r. Clergy ; p. 16. l. 23. Would r. were, p. 19. l. 17. His r. this ; p. 21. 11. Heaping r. keeping ; p. 23. l. 3. was ground r. were grounded p. 24. l. 13. which, add whenever it shall be agreed on, may be entire. The rather so, because a Reconciliation ; p. 25. l. 28. aft. they r. a comma, p. 27. l. 6. no r. a, l. 14. now r. no ; p. 28. l. 18. derived r. detained ; p. 30. l. 27. dele as p. 34. l. 19. Sees r. Laws ; p. 48. l. ult. loss r. less p. 48. l. 12. received r. revived.

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